

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WILLIAM J. JUNGBLUTH,

Plaintiff,

v.

DENIS J. LLOYD,

Defendant.

Case No. 20-CV-5-JPS

ORDER

On January 3, 2020, this case was removed to the federal district court for the Eastern District of Wisconsin pursuant to 28 U.S.C. § 1442(a)(1), which provides for federal jurisdiction where the United States is a party to a case. *See* (Docket #1). The case was randomly assigned to Magistrate Judge William E. Duffin. Shortly thereafter, Plaintiff and the United States entered into a stipulation of dismissal, thereby divesting the federal court of jurisdiction. (Docket #8). Accordingly, on January 17, 2020, Plaintiff filed a motion to remand to state court pursuant to 28 U.S.C. § 1447(c). (Docket #9). The only remaining defendant, Denis J. Lloyd, has neither appeared in the case nor opposed the motion to remand. This means that he also has not consented to magistrate jurisdiction. The weight of law suggests that a magistrate judge may not resolve a motion under 28 U.S.C. § 1447(c) absent full consent to magistrate jurisdiction from all parties. *See* (Docket #21 at 2). The case was therefore transferred to this branch of the court for disposition.

The only remaining parties in this case are citizens of Wisconsin, and the only remaining claim is a state law unjust enrichment claim. *See* (Docket #1-1 at 4–5). The Court has no independent jurisdiction over this claim, and

in light of the Court's constrained resources, it would be imprudent to exercise supplementary jurisdiction over it. 28 U.S.C. § 1367(c) (a district court "may decline to exercise supplemental jurisdiction over a claim" if it "has dismissed all claims over which it has original jurisdiction."). The Court will therefore adopt the Magistrate Judge's recommendation to remand the case, (Docket #21), and grant the Plaintiff's motion to remand, (Docket #9).

Accordingly,

IT IS ORDERED that Magistrate Judge William E. Duffin's report and recommendation (Docket #21) be and the same is hereby **ADOPTED**;

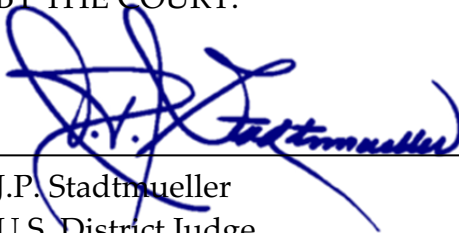
IT IS FURTHER ORDERED that Plaintiff's motion to remand to state court (Docket #9) be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **REMANDED** to the Waukesha County Circuit Court.

The Clerk of Court is directed to take all steps necessary to effectuate the remand of this case back to the Waukesha County Circuit Court.

Dated at Milwaukee, Wisconsin, this 24th day of February, 2020.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge